

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico



United States of America)

v.)

RICHARD SCHUYLER KUYKENDALL)

aka: "SKY KUYKENDALL")

(year of birth 1980))

Case No. **21 MJ 653**

Defendant(s)

United States District Court
Albuquerque, New MexicoMitchell R. Elfers
Clerk of Court

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 12, 2021 in the county of Bernalillo in the
District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. §§ 922(g)(1), (g)(9) and
924being a convicted felon and misdemeanor domestic violence offender in
possession of a firearm and ammunition.

This criminal complaint is based on these facts:

refer to the attached 6-page Affidavit in Support of Criminal Complaint and Arrest Warrant

☒ Continued on the attached sheet.

Complainant's signature

Bryan Acee, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: May 14, 2021City and state: Albuquerque, New Mexico

Judge's signature

XXXXXXXXXXXX
John P. Robbenhaar, U.S. Magistrate Judge

Printed name and title

B. Paul Briones,

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

I, Bryan Acee, being duly sworn, depose and say:

INTRODUCTION AND PURPOSE OF THE AFFIDAVIT

1. I am employed as a Special Agent with the Federal Bureau of Investigation (FBI). I have been a law enforcement officer for 21 years, serving as a police officer, detective, and Special Agent. I have been with the FBI since 2009 and am currently assigned to the Albuquerque Violent Crime Gang Task Force (VCGTF), where I primarily investigate prison and street gangs, violent repeat offenders, and violations of federal drug and firearms laws.

2. Over the course of my career, I have specialized in the investigation of drug trafficking organizations, street and prison gangs, and violent crimes. I recently served as the lead FBI case agent in the government's 2010-2014 Continuing Criminal Enterprise Drug Kingpin Act case against the Juarez Cartel, which resulted in extensive seizures of controlled substances, currency, firearms, and the indictment of multiple cartel leaders. I am the lead case agent in the government's 2015-2021 gang-racketeering investigation into the Sindicato Nuevo Mexico (SNM) prison gang. The investigation primarily focused on multiple gang related homicides, several of which were charged as violent crimes in aid of racketeering. To date, more than 150 SNM members and associates have been arrested as a result of this investigation. The majority of the defendants were charged federally and most have been convicted.

3. This affidavit is being submitted in support of a criminal complaint and arrest warrant charging **RICHARD SCHUYLER KUYKENDALL, aka: "SKY,"** with a being a prohibited person in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1), (g)(9), and 924 – that being a convicted felon and misdemeanor domestic violence offender in possession of a firearm and ammunition. During the alleged incident in which KUYKENDALL possessed a firearm, three men were killed. I do not believe KUYKENDALL killed all three men, but I suspect KUYKENDALL may be responsible for the death of one of the three men. According to jail and prison records, all three homicide victims were members or suspected members of the Aryan Brotherhood prison gang.

4. Much of the information in this affidavit was acquired through my conversations with Albuquerque Police Department (APD) homicide unit personnel, as well as my review of APD reports, crime scene photos, and surveillance video. I also collected information from state and federal court, jail and prison records from entities in New Mexico and Massachusetts. I have not detailed every fact or circumstance pertaining to this investigation, rather just the information I believe supports probable cause to charge KUYKENDALL with being a felon in possession of a firearm and ammunition.

STATEMENT OF PROBABLE CAUSE

5. KUYKENDALL has an impressive criminal history, with at least thirty-five (35) arrests in New Mexico and Massachusetts. A unique aspect of KUYKENDALL's criminal background is his apparent association to the Aryan Brotherhood ("AB") prison gang. I believe KUYKENDALL's affiliation to the AB may be established through several of his tattoos and his relationship to three men who were murdered. The aforementioned homicides give rise to the charges outlined in this complaint. The information supporting KUYKENDALL's association to the AB have been detailed further in the paragraphs that follow.

Relevant Felony and Domestic Violence Convictions:

6. KUYKENDALL has at least four criminal convictions that prohibit him from possessing a firearm, to include:

- a. In or about January 2018, KUYKENDALL was convicted of assault and battery of a family member in the Salem District Court, Massachusetts, Case No. 1736CR002720B.
- b. In May 2008, KUYKENDALL was convicted of forgery and identity theft in Santa Fe County, New Mexico, Case No. D-1329-CR-2007-00647.
- c. In December 2006, KUYKENDALL was convicted of larceny and conspiracy in Bernalillo County, New Mexico, Case No. D-202-CR-2006-02669.
- d. In or about April 1998, KUYKENDALL was convicted of battery with a deadly weapon (baseball bat) in the Salem District Court, Massachusetts, Case No. 9839CR1046A.

The Triple Homicide

7. The following incident occurred on May 12, 2021, at about 2:40 p.m., in the alley behind 2401 San Pedro Drive NE, Albuquerque, New Mexico. The incident was captured on a commercial surveillance camera located to the south west of the alleyway.

8. KUYKENDALL walked westbound in the alley, dressed in a white shirt, blue jeans and a black face mask. As a dark colored Chevrolet Malibu approached from behind, KUYKENDALL stepped off to the side and the Chevy stopped next to him. KUYKENDALL attempted to enter the Chevy via the rear passenger door. A person inside the vehicle fired several shots at KUYKENDALL, which can be seen striking a cinder block wall behind KUYKENDALL. KUYKENDALL ducked and maintained a low center of gravity as he ran around the front of the vehicle. Meanwhile several shots are observed being fired within the car and exiting the front windshield area. As shots exited the front of the car, KUYKENDALL maneuvered to the rear driver side door. KUYKENDALL quickly looked into the window and then darted rearward. A moment later KUYKENDALL opened the rear door and quickly peaked in a second time before he jumped back. KUYKENDALL then jumped into the rear of the Chevy and closed the door, shutting himself inside. A few seconds later KUYKENDALL exited the rear of the car through the same door and walked toward a nearby dumpster. KUYKENDALL remained next to the dumpster for approximately nine seconds and then went back to the car. After several seconds of standing in the open driver doorway and possibly moving a person or objects inside the car, KUYKENDALL got into the driver's seat, on top of the driver, and drove the vehicle to the Presbyterian Kaseman hospital, located 2.6 miles away.

9. APD officers subsequently searched the dumpster area and located a Beretta model APX 9mm pistol on the side of the dumpster. APD related to me that the dumpster had recently been emptied, as there were only two commercial trash bags inside the dumpster. Both trash bags contained garbage from an adjacent restaurant. KUYKENDALL loitered next to the trash dumpster immediately after the shooting and I believe KUYKENDALL stashed the pistol there before he fled the scene.

Arrival at the Presbyterian Kaseman Hospital

10. A few minutes after departing the alley behind 2401 San Pedro Drive NE, Albuquerque, KUYKENDALL arrived at the Presbyterian Kaseman hospital. Surveillance footage, which I have viewed, depicted KUYKENDALL approach the hospital entrance. KUYKENDALL removed his shirt and several of his tattoos are clearly recognizable, to include a large letter B on his left shoulder and an iron cross on his right breast. I am aware KUYKENDALL has a tattoo with the word Boston across his abdomen and portions of the tattoo can be seen in the video. KUYKENDALL told a security officer that there were three dead guys in the Chevy, which he motioned toward. KUYKENDALL paced around briefly and then fled the scene.

11. KUYKENDALL was observed on a nearby commercial surveillance video, as he fled from the hospital. His shirt was still off and several of his tattoos were clearly visible in the video.

12. APD officers responded to the hospital and found three men inside the vehicle. BT was in the driver's seat, JF was in the front passenger seat, and MS was in the rear seat. All three men were subsequently declared deceased. The vehicle was riddled with bullet holes. A loaded pistol was found under the driver's seat. An empty pistol, in a locked-back position, was found on the back seat near MS. Several spent bullet casings were located within the vehicle and other casings were found around the vehicle, which were likely expelled from the vehicle when the victims were pulled from the car by medical personnel. At least one spent casing was observed to be a 9mm.

The Aryan Brotherhood Gang Connection

13. I have consulted with gang officers at the Bernalillo County Metropolitan Detention Center (MDC) and learned victims BT, JF, and MS were all validated members of the Aryan Brotherhood prison gang. I have viewed photographs of KUYKENDALL's tattoos and noted several of them to be synonymous with the AB, to include a Shamrock, Viking warrior, lightning bolt, and "White Boy" tattoos.

14. I am familiar with the AB, to include their methods of recruitment, retention, discipline, communications, rules, and modus operandi. The AB is a nationwide prison gang that strive to control drug distribution and other illegal activity within state and federal prisons. The AB was founded in 1964 at the San Quentin State Prison in California and formed by white inmates during the implementation of prison

desegregation. The AB consolidated power among several white prison cliques and by the 1970s the AB had spread to state and federal prisons throughout the U.S. According to the Southern Poverty Law Center, the AB has approximately 20,000 members both in and out of prison and is a notorious organization whose members at one time made up less than one tenth of 1% of the U.S. prison inmate population, but were responsible for 18% of all prison murders.

15. I am aware members of the AB refer to themselves as “The Brand,” share common signs and symbols including the initials “AB,” the numbers “666,” and three leaf shamrocks. They also use Nazi symbols including swastikas and SS lightning bolts.

16. I am aware AB membership extends beyond the prison and members on the street are required to remain loyal to the AB and to work to further the goals of the AB while in the community. The AB enforces its rules and promotes discipline among its members and associates by murdering, attempting to murder, conspiring to murder, assaulting, and threatening those who violate the enterprise’s rules or pose a threat to the enterprise. The AB also uses murder and the threat of murder to maintain a position of power within the prison and jail systems. Inmates and others who do not follow the orders of the AB are subject to being murdered, as is anyone who uses violence against an AB member. Inmates who cooperate with law enforcement authorities are also subject to being murdered.

17. Members are required to follow all orders of higher ranking members. In particular, members are required, when ordered, to kill without hesitation. They are also required to give false testimony in court on behalf of other members. Members who do not fulfill their obligations to the AB are subject to being murdered.

18. In addition to members, the enterprise includes those closely affiliated with the AB, who are called “associates.” Associates are required to follow the orders of AB members. Associates who do not fulfill their obligations to the AB are subject to being murdered. Both members and associates of the AB are participants in the AB criminal enterprise. The purposes of the AB criminal enterprise include, but are not limited to, the following.

- a. Controlling illegal activities, such as narcotics trafficking, gambling, and extortion, within state and federal prison systems.

- b. Preserving, protecting, and expanding the power of the AB through the use of intimidation, violence, threats of violence, assaults, and murders.
- c. Promoting and enhancing the AB and the activities of its members and associates.

INTERSTATE NEXUS

19. Three firearms were recovered at the two crime scenes: one on the dumpster in the alleyway and two in the vehicle. I believe KUYKENDALL stashed the Beretta model APX 9mm pistol in the dumpster after the shooting in the alleyway.

20. I am aware Beretta model APX pistols are manufactured in Gallatin, Tennessee. As such, I believe the firearm moved in or affected interstate commerce. Based on my training and experience, I believe the weapon meets the federal definition of a firearm. Moreover, I believe the 18 cartridges loaded in the pistol meet the federal definition of ammunition and were manufactured outside the State of New Mexico.

CONCLUSION

21. Based on the information contained herein, I believe that there is probable cause to charge KUYKENDALL with violations of 18 U.S.C. §§ 922(g)(1), (g)(9) and 924. This affidavit was reviewed by Supervisory Assistant United States Attorney Jack Burkhead.

Respectfully submitted,



Bryan Acee
FBI Special Agent

Electronically submitted and telephonically sworn to me on May 14th, 2021.



~~XXXXXXXXXXXX~~ B. Paul Briones
The Honorable John F. Robbenmaier
United States Magistrate Judge
District of New Mexico